IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No.1921 of 2007.

Ms. Praiyanka Ashok Mulgaonkar ..Applicant.

Vs.

The State of Maharashtra ..Respondent.

Mr V. V. Purwant, Advocate for the applicant.

Mr K. V. Saste, APP for the State.

CORAM: V.C. DAGA,J.
DATED: 19TH JULY, 2007.

P.C.:-

1. Heard learned counsel for the applicant and learned APP for the State.

2. Perused application and material available on record.

3. The brief facts necessary for disposal of this application are as follows:

4. The applicant-accused, 21 years old girl, is conducting the business under the name and style of "ENIAC JOB WORKS MARKETING AND INVESTMENT PVT.LTD", having its office at Thane and the branch office at Ulhasnagar and other places. The Scheme is that, one who is interested in having job has to deposit a fixed amount as set out in their scheme circulated in the form of leaflets. He,

thereafter, has to enter into a contract with the applicant who acts for and on behalf of the said company. In turn company gives job work of writing addresses on the envelopes supplied by the company alongwith list of addresses. After return of envelopes with addresses written thereon the Company pays for for every envelope subject to deduction of fine in the event of any mistake committed in writing addresses on those envelopes.

5. The complaint of the complainant is that one Ms Pravin Rajendrakumar Bali was approached at the instance of the co-accused Jaspal Gadri and Jaiprakash Gupta and she was induced to invest Rs. 94,000/- in the two schemes of the said company, [i.e. Rs. 47,000/-in each scheme].

6. It is alleged that one co-accused Swaraj Gadri handed over the receipts evidencing the receipt of the aforesaid amount and has given 2000 envelopes for writing addresses thereon as per list of addresses supplied to her.

7. Further complaint of the complainant is that on 7.5.2007 the complainant went to the said office of the company and handed over 500 envelopes with addresses written thereon.

8. The complainant again deposited Rs. 5,300/- towards one more scheme. The amount was accepted against receipt by the said Gadri.

9. On being asked for the reimbursement for the job of writing envelopes, she was informed that she will get the said amount within 15 to 20 days. The complainant thereafter repeatedly visited the office of the Company and met the applicant at Ulhasnagar and inquired about the payment. Thereafter, she came to know that her deposit was not entered in the record of the company. That is how complaint came to be lodged against the present applicant and others.

10. The complaint has been received by Vitthalwadi Police Station, Thane. Thus, the offence punishable under Section 420 read with Section 34 of the I.P.C. came to be registered vide C.R.No.I-59/2007.

11. According to the counsel for the applicant, the applicant is doing the business of marketing and investment. The name of the company as per the certificate of incorporation is "ENIAC JOBWORK AND MARKETING

PVT.LTD"; whereas, the name of the company shown in the brochure meant for investors / customers is "ENIAC JOB WORK'S,MARKETING & INVESTMENT PVT.LTD." Thus, there is variance between the name of the company shown in the certificate of incorporation and literature which is being circulated for the benefit of the investors. It is, thus, clear that representation made to the investors is with dishonest intention to induce the persons to invest their money with the said company which is being shown as investment company, which actually not a registered company. Prima facie, it appears to be an economic offence. The complaint as on date may be by one person only but investors must be in large number.

12. Before they suffer any loss, it is necessary to have proper investigation by proper authority including custodial interrogation. In the aforesaid circumstances, I am not inclined to entertain this application. The application is, therefore, rejected.

13. This court cannot be a moot spectator to the running of business which is prima facie illegal that too; of receiving investment from the public at large. The applicant's

investment company has not been registered. Though according to learned counsel for the applicant, the formality for the registration of company is still in process. However, it needs a thorough investigation by the Statutory / Government Organisation. In this view of the matter, I direct the Registrar General to forward copy of this order to the D.C.P. (Economic Wing) Thane, as well as the Reserve Bank of India with a request to make proper investigation and take proper action in the matter, if they find that the business of receiving investment is being run without following the law for the time being in force. It would be open for them to initiate action at Law, if necessary.

14. At this stage, learned counsel for the applicant after taking instructions from the applicant seeks time to surrender. Accordingly two week's time is granted to surrender.

15. Parties to act on an authenticated copy of this order.

(V.C. DAGA,J.)